Reserved

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 361 of 2004 (MS)

Ram Lal & others ..... Petitioner

Versus

Motor Accident Claims Tribunal, Udham Singh Nagar and others ....Respondents

Dated: October 15,2004

Hon.Rajesh Tandon J.

Heard Sri S.K. Mandal, learned counsel for the petitioner.

By the present writ petition the petitioners have confirmed their prayer only to the extent of release of the amount awarded by the respondent no.1 in favour of the petitioners.

The Claims Tribunal has awarded a sum of Rs.57,000/-to the petitioners on account of the death of Sri Murari Lal, father of the petitioner in a motor vehicle accident. The Claims Tribunal has directed that out of the amount of compensation a sum of Rs.1,000/- be deducted for litigation expenses and rest of the amount be divided in three equal shares and be deposited in the fixed deposit for a period of five years in the names of Sri Ram Lal, Harishanker and Ramwati. The petitioners have submitted that petitioner no.3 is widow lady and is aged 57 years, petitioner no.1 is aged 62 years and petitioner no.2 is about 46 years old. They are labourers and they need the amount of compensation for their family expenses.

The petitioners have prayed that the amount of compensation awarded in their favour should not be kept in fixed deposit. In case the amount have not been already invested, the same shall be paid to the petitioners but if the amount has been Invested by depositing the same in fixed deposit in a nationalised bank, there may be its premature withdrawal in case the parties so intend.

Consequently the writ petition is allowed. No order as to costs.

(Rajesh Tandon J.)

October 15, 2004

*Dhyani